

REMARKS

Claims 9-20 remain in the case.

Claims 9-20 stand rejected under 35 U.S.C. § 112, first paragraph, essentially on the grounds of new matter and with the requirement that this alleged new matter be canceled in the present Reply. This rejection is respectfully traversed because the phrase added to independent claims 9, 10, and 17, namely, "and a value of fabric strength at break in a range from 740 to 1010 N/2.54cm" finds support in the original application.

The Examiner's attention is invited to Table 1 of the original application. In the left column in the section on "Fabric Description," there is a row identified by "Tensile strength." In the six examples in this row, the lowest value is 740 N/2.54cm, and the highest value is 1010 N/2.54cm. This range of fabric strength from 740 to 1010 N/2.54cm is the same range recited in claims 9, 10, and 17. Reconsideration and withdrawal of the objection to new matter and the rejection under 35 U.S.C. § 112, first paragraph, are respectfully solicited.

In the three independent claims, the phrase that the yarn has a tensile strength of 5.4 cN/dtex or greater has been deleted because this phrase is not presently needed to distinguish over Toray (JP No. 0790747) and because the Examiner does not consider the patent to Nelsen (US 5,533,755) to be relevant prior art.

The Examiner has repeated the rejection under 35 U.S.C. § 103(a) of claims 10, 11, 13, 15, and 17-20 based on Toray; of claims 9, 14, and 16 based on Toray in view of Smith (US 5,378,019); and of claim 12 based on Toray in view of Mizuki (US 5,637,385). These rejections are respectfully traversed. The language in support

of the rejections repeat rejections in prior Office Actions essentially word-for-word. Applicants in earlier papers, e.g., RCE of March 15, 2005, have described the uniqueness of the present inventions, its significant mechanical parameters, and how these distinguish over the art. Rather than repeat them here, applicants instead incorporate them by reference herein.

There are, however, distinguishing claim features that need to be discussed further, as well as the failure of Toray to recognize certain parameters as result-effective variables which avoid any claim of obviousness based on "routine optimization."

Toray discloses use of fiber yarns which have a total fineness of 500 denier (556 dTex) or less; however, it is clearly described that the lower limit is preferably 210 denier (231 dTex) as a minimum in order to satisfy the mechanical properties as an air bag. Therefore, a skilled artisan relying on Toray would not be led to employ fiber yarns less than 210 denier (231 dTex) for an air bag, and especially those yarns whose total fineness is in the claimed range of 66 dTex to 167 dTex, because, according to Toray, they would not be effective.

In addition to this distinction over Toray, tensile work at break and the load at 15% tensile elongation, as claimed, were found to be important properties of an air bag not recognized by Toray. If the fiber yarns have the tensile work at break in the claimed range of 7000 to 30,000 N%/2.54cm and the load at 15% tensile elongation in the claimed range of 3 to 35 N%/2.54cm, then even though the value of fabric strength at break is in the claimed range of 740 to 1010 N/2.54cm, which is a low value, it was nevertheless found by applicants that an excellent air bag was obtained.

The value of fabric strength at break which Toray discloses is larger than the range of the present invention, as is clear from the examples previously submitted because Toray employs fiber yarns which have a total fineness of 210 denier (231 dTex) or more. Therefore, the limitation of the claimed value of fabric strength at break could not be derived by a skilled artisan by routine optimization of Toray's disclosure because the claimed low values would not be viewed as an effective range for this artisan to pursue to obtain the good results that applicants obtained.

Furthermore, in Toray, the tensile work at break and the load at 15% tensile elongation are not specifically taught. Therefore, there is no recognition that these factors are important in obtaining satisfactory mechanical properties for an air bag. The Examiner has repeatedly cited In re Boesch and Slaney, 205 USPQ 215 (CCPA 1980), in arguing that the claimed values not taught in Toray are mere optimizations of known variables. This broad generalization has known exceptions, an example being where the parameter is not recognized to be a result-effective variable. In re Antonie, 195 USPQ 6 (CCPA 1977). As stated above, Toray does not teach or recognize tensile work at break and the load at 15% tensile elongation as important parameters for an air bag. Thus, because there is an absence of recognition in Toray that these two parameters were result-effective variables, the decision in In re Boesch and Slaney is readily distinguished by Antonie because a parameter that is not recognized as a result-effective variable cannot be "routinely optimized."

Because the Toray reference has been shown to be inadequate in supporting an obviousness rejection under Section 103, and the secondary references to Smith and

Mizuki have been shown not to correct Toray's shortcomings, applicants request an early reconsideration and allowance of claims 9-20.

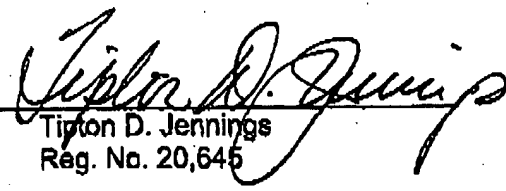
Please grant any additional extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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